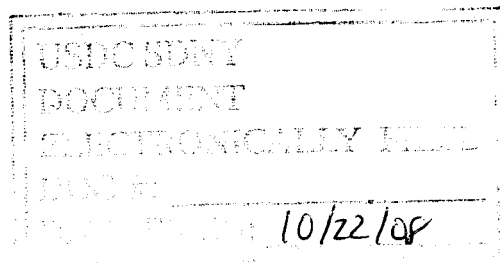


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OCT 17 2008



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

----- X
 ANNETTE SMITH,

Plaintiff,

against

NATIONAL BASKETBALL ASSOCIATION,
 INC., and BERNARD TOLBERT

Defendants.
 ----- X

08 Civ. 7888 (WHP)(RLE)
 ECF CASE

**STIPULATION AND
PROPOSED ORDER**

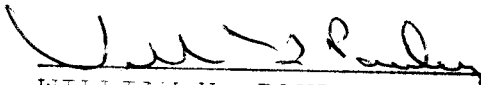
IT IS HEREBY STIPULATED AND AGREED, by and between counsel to the parties in the above-captioned action, that the time within which Defendants National Basketball Association, Inc., and Bernard Tolbert (collectively, "Defendants") must answer, move against, or otherwise respond to the Complaint, is extended to and including November 10, 2008.

IT IS FURTHER STIPULATED AND AGREED that Defendants waive the affirmative defense of lack of personal jurisdiction with respect to the Complaint.

IT IS AGREED by the parties that a signed facsimile of this Stipulation shall be deemed the same as an original.

Dated: New York, New York
 October 6, 2008

SO ORDERED:

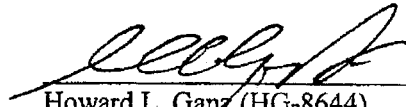

 WILLIAM H. PAULEY III U.S.D.

10/22/08

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SO ORDERED this ____ day of _____, 2008

HON. WILLIAM H. PAULEY, III